Secrt. II-37—50,000—27-12-41

Home (1942) Department.

SERIES.

G.O. No. 282

Dated 22 1.42

[Despatch Abstract.]

Courts. Criminal - Establishment of Temporary South Kanara Kadipi taluk Kalpadi motor car murder case - Preliminary Enquiry Appointment of a Special magistrate Sanctioned

C.F. 33.

DEPARTMENT.

Received 15 JAN 1942 19 . *Registered* 01765 19

157.

Subject.

CRIMINAL JUSTICE - Offence under sections 302, 364 and 120-B I.P.C. - Watpadi motor car murder case - Udipi Taluk - Udipi Police station Cr.No.182/41 - Preliminary enquiry - Appointment of Special Magistrate and deputing of Additional Public Prosecutor - proposals submitted.

ENCLOSURES.
No.
Spare copies

Camp No. 13/42.

Station Mangalore, *Dated the* 13th January 194.

From (Name) M. V. Subrahmanyan Esquire, I.C.S.,

(Designation) Dt. Magistrate of South Kanara.

To The Secretary to the Government of Madras,

Home Department,
MADRAS.

Sir,

In Udipi Police station crime No.182/41 a charge-sheet has been laid by the Police before the Stationary Sub Magistrate, Udipi for offences under sections 302, 364 and 120-B I.P.C. against 33 persons.

2. The case is a sensational one. Many of the accused are rich and influential persons and over half dozen Advocates from the Udipi and Mangalore Bar are appearing in defence of the accused. There are 75 witnesses to be examined for the prosecution. A lengthy cross-examination of these witnesses is expected to be gone through at the preliminary enquiry and it is likely that it may

or so would be finished in a day. Allowing for Sundays and other holidays, the case is therefore likely to take about 2 months even if it should be heard from day to day. The ordinary work of the stationary Sub Magistrate, Udipi is also likely to be very considerably upset if he were to make the preliminary enquiry in this case. The District Superintendent of Police has suggested that a Special Magistrate may be appointed for holding the preliminary enquiry in the case. For the reasons given above, I entirely agree that it is necessary to have a Special Magistrate for this preliminary enquiry. I recommend that Sri H. Sunder Rao who is at present the Stationary Sub Magistrate, Udipi, may be appointed as Special Magistrate for the conduct of the preliminary enquiry in this case for a period of two months. If the work is finished earlier, the Court will be terminated; if any extension of the period should be required, I shall report to the Government again in due time. I shall make arrangements for posting somebody else as Stationary Sub-Magistrate, Udipi in place of Sri H. Sunder Rao.

3. In view of the importance of the case which has been indicated above and in view of the fact that no officer of the Police prosecuting staff can be spared exclusively for this case as their file is already heavy, the Dt. Superintendent of Police has also suggested that the Additional Public Prosecutor, Mangalore may be deputed for the conduct of the prosecution in this case before the Special Magistrate. I agree, too, that that arrangement is quite necessary. I request, therefore, ~~that~~ for permission to depute the Additional Public Prosecutor to conduct the prosecution before the Special Magistrate in this case. The terms of remuneration may be on the standard scale prescribed for Additional Public Prosecutors plus the appropriate travelling allowance and daily allowance.

4. As all the accused in the case and the witnesses in the case belong to villages near Udipi, the Special Magistrate may sit at Udipi.

5. The case stands posted for enquiry to 20.1.42 and the two succeeding days. If the Special Court is not constituted

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meanwhile, an adjournment is proposed to be taken on 30.1.42.

6. I request that, if possible, orders may be sent to me by telegram.

7. I received the letter from the Dt.Superintendent of Police dated 12.1.42 giving the details and making the proposals in this matter only to-day; that is why I was not able to move in the matter earlier.

13/1/42

Dt.Magistrate.

5

CN0.1765D.

Home Dept.

Letter Ref. No. 1765-D/42-1 dt 15.1.42

To

The Hon'ble the C. J. of the
High Court of Judicature
at Madras (with enclosures)

Hon'ble Sir,

Courts- criminal- Establishment Temporary - (S. Kanara) - Udipi Taluk- Appointment of a Special Magistrate.

I am directed to forward a letter from the D.M. South Kanara Camp No 13/42 d. 13.1.42 and to request that the Hon'ble the Judges will be so good as to offer their remarks on the D.M's proposal to appoint a Special Magistrate to hold the preliminary enquiry in the case in favour of a very early reply is requested.

I have etc.

15/1

15/1

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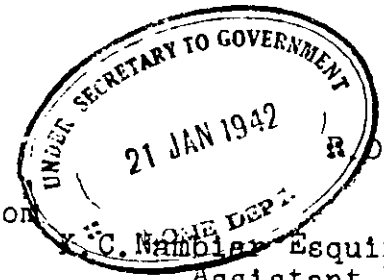
K.D 20.1.42.



R.O.C.No.195 of 1942/D3.

From

K.C.Nambiar, Esquire, B.A.,B.L.,(Bar-at-Law),
Assistant Registrar, Appellate Side, High Court, Madras.

To

The Secretary to the Government of Madras,
Home Department
(with the original letter of the District Magistrate returned).

Dated Madras, the 19th January 1942.

Sir,

Courts - Criminal - Establishment - temporary (South Kanara) - Udipi Taluk - Appointment of a Special Magistrate - recommended

Ref:-Your letter No.1765 D-42-1 Home dated 15-1-1942.

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I am directed to statethat in the circumstances stated in the letter of the District Magistrate, South Kanara, Camp No.13/42 dated 13-1-1942, the Hon'ble the Judges recommend the proposal to appoint a Special Magistrate to conduct the preliminary enquiry in the case in question.

The extra cost involved in the proposal during the current year will have to be met by reappropriation.

I have the honour to be,
Sir,
Your most obedient servant,

Assistant Registrar, A.S.

PP 19

Home Dept.

Courts. Criminal - Establishment - Temporary. South Kanara. Udipi Taluk. Katpadi motor car murder case. Preliminary enquiry. Employment of a Special magistrate.

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pp 1-3 CF C.No. 1765 D. From the D. M. South Kanara, Camp No 13/42 d 13.1.42.

p 5 CF Letter to the High Court. No 1765 D-1 d 15.1.42

p 7 CF From the Asst. Regr. Appellate Side, High Court, R.O.C. No 195/42 pD 3 d 19.1.42

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p 7 CF pp 1-3 CF The High Court supports the proposal of the D. M. South Kanara to appoint a Special magistrate for a period of two months to Conduct the preliminary enquiry in the Katpadi motor Car murder case. A draft order sanctioning the proposal is Submitted for approval. It may be Sent to Revenue and Finance for acceptance.

para 3 ar p 2 CF 2. The question of deputing the Addl. Public Prosecutor, Mangalore to Conduct the prosecution in the case before the

Special magistrate is this dealt with separately

VB 21/1. 21.1.

22/1

Rev

Fin

Rev Dept

Accepted in Rev

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Fin

Finance E.I.

May be accepted.

22.1.42

Rev. Home

S(ill)

Issue

22/1

(Under file - 1824 F/42)

T Rev F

22.1.1942 22/1

Home no 1765 D/42-1

22.1.42.

UNDER SECRETARY TO GOVERNMENT
Rev 400 E
22 JAN 1942
REVENUE DEPT.

Rev no 400E/42-1

22.1.42.

2/15

SECRETARY TO GOVERNMENT
22 JAN 1942
FINANCE DEPARTMENT

DS

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C.F. 16. 11

DRAFT FOR APPROVAL.

Home Dept

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Courts - criminal - Establishment - Temporary - South Kanara - Udipi Taluk - Katpadi motor car murder case. Preliminary enquiry. Appointment of a Special magistrate - Sanctioned

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

pp1-3CFC No. 1765D From the D. M. South Kanara, Camp No. 13/42, dated 13.1. 1942.

p5CF " _____ Letter to the High Court " 1765-D/42-1 " 15.1. 1942

p7CF " 2614D From the Asst. Reg. App. Side Roc " 1959/1942/D3 " 19.1. 1942

Order / Resolution Ms. / Rout. No. 282 dated 22.1.1942

Issue to Jg

p2CF

'A' on p2CF

Sanction is accorded to the employment in the South Kanara district of One Deputy Taluk Sildar for a period of two months from the date of appointment to enable Sri H. Sunder Rao, I.C.S. to proceed to the S.S. Mangalore to be deputed as a Special magistrate to conduct the preliminary enquiry in the Katpadi motor car murder case - Udipi Police Stn crime No 182/41. in the South Kanara district.

2. The expenditure should be debited to

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279. Administration of Justice Criminal Courts - Stg. Sub Magistrates Benches Magistrates and other Establishments - B Pay of establishments - Voted or authorized"

21/1 — 22/1

21.1. 3

Order regarding the proposal of the D.M.S. Kamara to depute the Addl. Pub. Prosecutor, Mangalore to conduct the prosecution in the Court of the Special Mgte will be issued separately

JK 22/1

To

The Hon'ble the C.J (Circular)

" D.M. South Kanara)

" Finance Dept.

" A.G. thro. the Finance Dept.

Copy to the Board of Revenue.

the Revenue Dept.

Ref.C1-230-M-42. S. Kanara Dt.Magistrate's Office,

Mangalore, 23rd January 1942.

From

M. V. Subrahmanyan, Esq., I.C.S.,

Dt.Magistrate of South Kanara.

To

The Secretary to Government,

Home Department,

M a d r a s.

Sir,

Criminal Justice - Offence under Sections 302, 364 and 120-B, I.P.C. - Katpadi Motor Car murder case - Udipi Taluk - Udipi station crime No.182/41 - Preliminary enquiry - Special Court - Opening of -

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Ref: (1) This office Ref.Camp 13/42, dated 13.1.1942.

(2) Ref.C1-230-42, dated 17.1.1942.

I invite reference to my reports cited above. Of the 23 accused charged in the case, 6 are still absconding and of these 6, two are reported to have taken an important part in the murder. Three of the absconding accused are reported to be at Bombay and one is said to be in Algesh-wair Estate in Koppa Taluk, Mysore. Police Constables have been deputed for arresting them. The District Superintendent of Police is of the opinion that the case need not be split up at this stage. Every attempt is being made to apprehend the absconding accused.

2. The Assistant Public Prosecutor says that the prosecution will be prejudiced in adducing proper and all available evidence in regard to conspiracy, if the case is split up and all the accused are not tried jointly. I agree with that view The Special Court, once it starts, will have to go on from day to day. It is desirable to constitute it, therefore, only after the present attempts to arrest the absconding accused hav been completed and those accused have either been arrested, or it is seen that there are no further immediate prospects of

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arresting them and it is, in consequence, decided to split up the case. The Assistant Public Prosecutor, apparently after consulting the District Superintendent of Police, has suggested that time may be given for this up to the 1st of March. I think, however, that is a bit too long. I propose that the special Court may be directed to commence sitting on 23.2.1942.

A

For Dt.Magistrate.

23.1.42

Home Dept.

Orders have issued in G.O.No 282, Home d 22.1.42 sanctioning the employment of a Special magistrate from the date of appointment to Conduct the preliminary enquiry in the Katpadi Motor Car murder Case. No action is called for with reference to 'A' above. May be lodged and filed with the G.O at (K)

29/1

29/1

29/1

A 1/-